

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DENNIS LARAMORE,)
)
)
Plaintiff,)
)
)
v.) Case No. 4:17-cv-02283-SEP
)
)
ZACH JACOBSEN, et al.,)
)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion to Strike Defendants' Reply Memorandum in Support of Defendant's Motion for Summary Judgment. Doc. [83].

Rule 12(f) of the Federal Rules of Civil Procedure provides that a "court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f). "A motion to strike is properly directed only to material contained in pleadings." *Khamis v. Bd. of Regents, Se. Mo. State Univ.*, No. 1:09-CV-145-RWS, 2010 WL 1936228, at *1 (E.D. Mo. May 13, 2013) (quoting *Mecklenburg Farm, Inc. v. Anheuser-Busch, Inc.*, No. 4:07-CV-1719-CAS, 2008 WL 2518561, at *1 (E.D. Mo. June 19, 2008)). Rule 7(a) defines "pleadings" as a complaint, an answer to a complaint, an answer to a counterclaim, an answer to a crossclaim, a third-party complaint, and if the court orders one, a reply to an answer. Fed. R. Civ. P. 7(a).

The document that Plaintiff seeks to strike is not a pleading, and courts in this district have generally not permitted parties to attack such non-pleadings through motions to strike. *See, e.g., Shea v. Peoples Nat. Bank*, No. 4:11-CV-1415-CAS, 2013 WL 74374, at *1 and *2, (E.D.

Mo. Jan. 7, 2013) (citing cases); *Khamis*, 2010 WL 1936228, at *1 (the document attached to the memorandum in opposition “is not a pleading and cannot be attacked with a motion to strike”); *see also Milk Drivers Local Union No. 387 v. Roberts Dairy*, 219 F.R.D. 151, 152 (S.D. Iowa 2003) (“Pleadings include complaints, answers, replies to counterclaims, answer to cross-claims, third-party complaints, and third-party answers. Therefore, a motion to strike a motion for summary judgment is inappropriate and should be denied.”) (internal citations omitted; collecting cases). Thus, the Court will deny Plaintiff’s motion to strike Defendants’ reply brief, as that document is not a pleading.

IT IS HEREBY ORDERED that Plaintiff’s Motion to Strike Defendants’ Reply Memorandum in Support of Defendant’s Motion for Summary Judgment (Doc. [83]) is **DENIED**.

Dated this 20th day of April, 2020.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE